## 7 RECEIPT, PROCESSING AND STORAGE OF BUCCAL DNA COLLECTOR STORAGE ENVELOPES INTO THE DNA DATA BANK DNA DATA BANK OPERATING POLICIES AND PROCEDURES MANUAL Effective Date: 15-October-2004

#### RECEIPT, PROCESSING AND STORAGE OF BUCCAL DNA COLLECTOR STORAGE ENVELOPES INTO THE DNA DATA BANK

7.1 A member of the DNA Data Bank staff will pick up the buccal DNA collector storage envelopes from the Central Laboratory evidence receiving section at least once each day. The area on the sample submission form designated "FOR DFS USE ONLY" will be completed by the member of the DNA Data Bank staff who retrieves the storage envelopes from the Central Laboratory evidence receiving section or takes receipt of the buccal DNA collector storage envelopes that have been shipped to the DNA Data Bank from a regional laboratory.

**NOTE**: All buccal DNA collector storage envelopes will be processed within 72 hours of receipt into the DNA Data Bank.

- 7.2 The sample submission form (refer to Appendix D) will be reviewed by a DNA Data Bank staff member to ensure that all appropriate information (arrestee vs. convicted offender) is complete. If any required information is missing from the submission form the procedures outlined below will be followed.
  - 7.2.1 Collecting Agency ORI Number (Arrestees and Convicted Offender): If the "Collecting Agency ORI Number" is missing and if an arrest warrant is stapled to the outside of the envelope, obtain the agency information from the arrest warrant. If no arrest warrant is found exterior to the envelope, the buccal DNA collector storage envelope will be opened. This information may also be available on the mailing envelope.
    - 7.2.1.1 If an arrest warrant is present inside the storage envelope, the warrant will be used to determine which agency submitted the sample. The VCIN Number/Agency notebook will be used to locate the ORI number, which will be added to the "Collecting Agency ORI" field on the sample submission form. The individual who made the addition to the sample submission form will initial and date the submission form next to the added information.
    - 7.2.1.2 If no arrest warrant is present inside the storage envelope, the letter found in Appendix C, Form Letters, DB -2: Offender Buccal Letter or DB-3: Arrestee Buccal Letter, will be sent to the collecting officer/submitting agency notifying them of the problem. If the sample is from an arrestee and no arrest warrant is present follow the instructions addressed in the "Qualifying Offense Code Section" listed below for handling the situation when no arrest warrant has been provided.
    - 7.2.1.3 The DNA Data Bank staff member will access the "Problem Letter Applications Program" and check the field "Felon Letter (Buccal Swab)" or the "Arrestee Letter", depending on the status of the individual, to obtain the electronic version of the Offender or Arrestee Buccal Letter. While the form letter is on the computer screen, as represented in the diagrams below, the user will enter the DNA sample number and to whom the letter will be addressed into the appropriate designated fields. In addition, the user will check the "Collection Agency ORI Number Field Not Completed" box.
    - 7.2.1.4 To generate the form letter containing only the information in the category(ies) selected, the user will click on the "Create Letter" tab. The "Problem Letter Applications Program" will automatically add the agency name and address, the name

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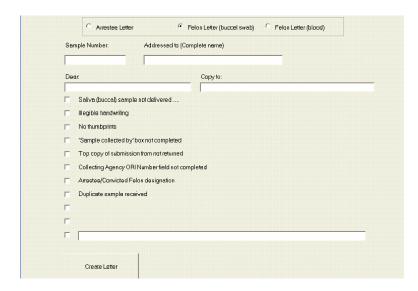
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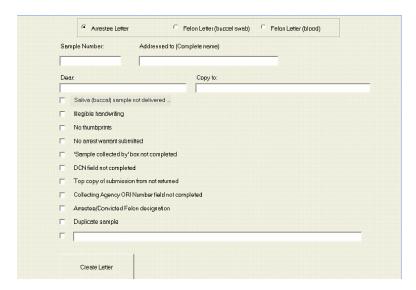
of the arresting or accompanying officer (if applicable), and the name of the arrestee or convicted offender to the form letter.

- 7.2.1.5 The letter will be printed on plain paper, then provided to the DNA Data Bank Supervisor for review and signature before the letter is mailed. The "Problem Letter Applications Program" will automatically generate the letterhead portion of the form letter.
- 7.2.1.6 A copy of the letter will be stored in the "**DNA Data Bank Problem Letter**" notebook. If the submitting agency cannot be determined, the ORI Number "VA9999999" will be entered into the DNA Data Bank tracking computer.

#### Offender Buccal Letter Screen:



#### Arrestee Buccal Letter Screen:



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- 7.2.2 Race, SS #, DOB, Date Collected, and Thumbprints (Arrestees and Covicted Felons): If the thumbprints and/or information for the race, social security number, date of birth, or date collected are missing, the letter found in Appendix C, Form Letters, DB -2: Offender Buccal Letter or DB-3: Arrestee Buccal Letter, will be sent to the collecting officer/submitting agency notifying them of the problem and requesting the missing information if possible to be provided to the DNA Data Bank.
  - 7.2.2.1 The DNA Data Bank staff member will access the "Problem Letter Applications Program" and check the field "Felon Letter (Buccal Swab)" or "Arrestee Letter", depending on the status of the individual, to obtain the electronic version of the Offender or Arrestee Buccal Letter. While the form letter is on the computer screen, as represented in the diagrams above, the user will enter the DNA sample number and to whom the letter will be addressed into the appropriate designated fields. In addition, the user will check the appropriate box or check the box with the blank message field specified for "Comments" and will subsequently type an explanation of the problem in the designated field.
  - 7.2.2.2 To generate the form letter containing only the information in the category(ies) selected, the user will click on the "Create Letter" tab. The "Problem Letter Applications Program" will automatically add the agency name and address, the name of the arresting or accompanying officer (if applicable), and the name of the arrestee or convicted offender to the form letter.
  - 7.2.2.3 The letter will be printed on plain paper, then provided to the DNA Data Bank Supervisor for review and signature before the letter is mailed. The "Problem Letter Applications Program" will automatically generate the letterhead portion of the form letter.
  - 7.2.2.4 A copy of the letter will be stored in the "**DNA Data Bank Problem Letter**" notebook. Once the information has been provided to the DNA Data Bank, the information will be entered into the DNA Data Bank tracking computer.
- 7.2.3 Qualifying Offense Code Section (Only for Arrestees): If the "Qualifying Offense Code" is missing from buccal DNA collector storage envelope submitted from an ARRESTEE and the arrest warrant is stapled to the outside of the envelope, the Qualifying Offense Code will be obtained from the arrest warrant. If no arrest warrant is found exterior to the envelope, the buccal DNA collector storage envelope will be opened and the information will be obtained from the arrest warrant. The qualifying offense code will be added to the "Qualifying Offense Code Section" on the submission form.
  - 7.2.3.1 If there is no arrest warrant provided, the letter found in Appendix C, Form Letters, DB-3: Arrestee Buccal Letter, will be sent to the collecting officer/submitting agency notifying them of the problem and requesting the missing arrest warrant to be provided to the DNA Data Bank.
  - 7.2.3.2 The DNA Data Bank staff member will access the "Problem Letter Applications Program" and check the field "Arrestee Letter" to obtain the electronic version of the Arrestee Buccal Letter. While the form letter is on the computer screen, as represented

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in the diagrams above, the user will enter the DNA sample number and to whom the letter will be addressed into the appropriate designated fields. In addition, the user will check the box with the blank message field specified for "Comments" and will type an explanation of the problem in the designated field.

- 7.2.3.3 To generate the form letter containing only the information in the category(ies) selected, the user will click on the "Create Letter" tab. The "Problem Letter Applications Program" will automatically add the agency name and address, the name of the arresting or accompanying officer (if applicable), and the name of the arrestee to the form letter.
- 7.2.3.4 The letter will be printed on plain paper, then provided to the DNA Data Bank Supervisor for review and signature before the letter is mailed. The "Problem Letter Applications Program" will automatically generate the letterhead portion of the form letter.
- 7.2.3.5 A copy of the letter will be stored in the "**DNA Data Bank Problem Letter**" notebook. Once the information has been provided to the DNA Data Bank the information will be entered into the DNA Data Bank tracking computer.
- 7.2.4 **DCN (Only for Arrestees):** If the "DCN" is missing from a buccal DNA collector storage envelope submitted from an **ARRESTEE**, the letter found in Appendix C, Form Letters, DB-3: Arrestee Buccal Letter, will be sent to the collecting officer/submitting agency notifying them of the problem and requesting the missing information be provided to the DNA Data Bank. If the DCN is missing from the submission form, an authorized member of the DNA Data Bank staff will search and attempt to find this number using the VCIN computer.
  - 7.2.4.1 The DNA Data Bank staff member will access the "Problem Letter Applications Program" and check the field "Arrestee Letter" to obtain the electronic version of the Arrestee Buccal Letter. While the form letter is on the computer screen, as represented in the diagrams above, the user will enter the DNA sample number and to whom the letter will be addressed into the appropriate designated fields. In addition, the user will check the box "DCN Field Not Completed" box.
  - 7.2.4.2 To generate the form letter containing only the information in the category(ies) selected, the user will click on the "Create Letter" tab. The "Problem Letter Applications Program" will automatically add the agency name and address, the name of the arresting or accompanying officer (if applicable), and the name of the arrestee to the form letter.
  - 7.2.4.3 The letter will be printed on plain paper, then provided to the DNA Data Bank Supervisor for review and signature before the letter is mailed. The "Problem Letter Applications Program" will automatically generate the letterhead portion of the form letter.
  - 7.2.4.4 A copy of the letter will be stored in the "**DNA Data Bank Problem Letter**" notebook. Once the information has been provided to the DNA Data Bank the information will be entered into the DNA Data Bank tracking computer.

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7.2.5 <u>Arrestee or Convicted Felon</u>: If neither the "Arrestee" nor "Convicted Felon" box has been checked, the buccal DNA collector storage envelope will be opened to determine if the storage envelope contains an arrest warrant.

- 7.2.5.1 If an arrest warrant is present and contains a qualifying offense code, check the "Arrestee" box. A court order, capias, or indictment can be used.
- 7.2.5.2 If no arrest warrant is present, a phone call will be made to the submitting agency to obtain the information. The phone call will be documented (name of person notified and date) on the submission form. In addition, the letter found in Appendix C, Form Letters, DB-2: Offender Buccal Letter or DB-3: Arrestee Buccal Letter, will be sent to the collecting officer/submitting agency notifying them of the problem and requesting the missing information be provided to the DNA Data Bank.
- 7.2.5.3 The DNA Data Bank staff member will access the "Problem Letter Applications Program" and check the field "Felon Letter (Buccal Swab)" or "Arrestee Letter" depending on the status of the individual, to obtain the electronic version of the Offender or Arrestee Buccal Letter. While the form letter is on the computer screen, as represented in the diagrams above, the user will enter the DNA sample number and to whom the letter will be addressed into the appropriate designated fields. In addition, the user will check the "Arrestee/Convicted Felon Designation" box.
- 7.2.5.4 To generate the form letter containing only the information in the category(ies) selected, the user will click on the "Create Letter" tab. The "Problem Letter Applications Program" will automatically add the agency name and address, the name of the arresting or accompanying officer (if applicable), and the name of the arrestee or convicted offender to the form letter.
- 7.2.5.5 The letter will be printed on plain paper, then provided to the DNA Data Bank Supervisor for review and signature before the letter is mailed. The "Problem Letter Applications Program" will automatically generate the letterhead portion of the form letter.
- 7.2.5.6 A copy of the letter will be stored in the "**DNA Data Bank Problem Letter**" notebook. Once the information has been provided to the DNA Data Bank the information will be entered into the DNA Data Bank tracking computer and the appropriate box (Arrestee or Convicted Felon) checked on the submission form.
- 7.2.6 Sample Collected By (Arrestees and Convicted Felons): If the printed name and signature of the individual collecting the buccal DNA sample is missing in the "Sample Collected By" box, the letter found in Appendix C, Form Letters, DB-2: Offender Buccal Letter or DB-3: Arrestee Buccal Letter, will be sent to the collecting officer/submitting agency notifying them of the problem and requesting the missing information be provided to the DNA Data Bank.
  - 7.2.6.1 The DNA Data Bank staff member will access the "Problem Letter Applications Program" and check the field "Felon Letter (Buccal Swab)" or "Arrestee Letter" depending on the status of the individual, to obtain the electronic version of the Offender or Arrestee Buccal Letter. While the form letter is on the computer screen, as represented in the diagrams above, the user will enter the DNA sample number and

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to whom the letter will be addressed into the appropriate designated fields. In addition, the user will check the "Sample Collected By Box Not Completed" box.

- 7.2.6.2 To generate the form letter containing only the information in the category(ies) selected, the user will click on the "Create Letter" tab. The "Problem Letter Applications Program" will automatically add the agency name and address, the name of the arresting or accompanying officer (if applicable), and the name of the arrestee or convicted offender to the form letter.
- 7.2.6.3 The letter will be printed on plain paper, then provided to the DNA Data Bank Supervisor for review and signature before the letter is mailed. The "Problem Letter Applications Program" will automatically generate the letterhead portion of the form letter
- 7.2.6.4 A copy of the letter will be stored in the "**DNA Data Bank Problem Letter**" notebook.
- 7.2.7 Arresting or Accompanying Officer (Only for Arrestees): If the "Arresting or Accompanying Officer" is missing from a buccal DNA collector storage envelope, the letter found in Appendix C, Form Letters, DB-3: Arrestee Buccal Letter, will be sent to the submitting agency notifying them of the problem and requesting the missing information be provided to the DNA Data Bank.
  - 7.2.7.1 The DNA Data Bank staff member will access the "Problem Letter Applications Program" and check the field "Arrestee Letter" to obtain the electronic version of the Arrestee Buccal Letter. While the form letter is on the computer screen, as represented in the diagrams above, the user will enter the DNA sample number and to whom the letter will be addressed into the appropriate designated fields. In addition, the user will check the box with the blank message field specified for "Comments" and will type an explanation of the problem in the designated field.
  - 7.2.7.2 To generate the form letter containing only the information in the category(ies) selected, the user will click on the "Create Letter" tab. The "Problem Letter Applications Program" will automatically add the agency name and address, the name of the arresting or accompanying officer (if applicable), and the name of the arrestee or convicted offender to the form letter.
  - 7.2.7.3 The letter will be printed on plain paper, then provided to the DNA Data Bank Supervisor for review and signature before the letter is mailed. The "Problem Letter Applications Program" will automatically generate the letterhead portion of the form letter.
  - 7.2.7.4 A copy of the letter will be stored in the "**DNA Data Bank Problem Letter**" notebook. Once the information has been provided to the DNA Data Bank the information will be entered into the DNA Data Bank tracking computer.
- 7.2.8 The DNA Data Bank staff member will verify the information contained in the "Date Collected" boxes to ensure that the buccal DNA collector storage envelope has been submitted to the DFS within 15 days of collection as required by the Code of Virginia §§19.2-310.3 (convicted offender) and 19.2-310.3:1 (arrestee) [Appendix A]. If more than 15 days have

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elapsed between sample collection and submission to DFS, the procedures outlined below will be followed.

- 7.2.8.1 The letter found in Appendix C, Form Letters, DB-2: Offender Buccal Letter or DB-3 Arrestee Buccal Letter, will be sent to the collecting officer/submitting agency notifying them of the problem.
- 7.2.8.2 The DNA Data Bank staff member will access the "Problem Letter Applications Program" and check the field "Offender Letter (Buccal Swab)" or "Arrestee Letter" depending on the status of the individual, to obtain the electronic version of the Offender or Arrestee Buccal Letter. While the form letter is on the computer screen, as represented in the diagrams above, the user will enter the DNA sample number and to whom the letter will be addressed into the appropriate designated fields. In addition, the user will check the "Saliva (Buccal) Sample Not Delivered...." box.
- 7.2.8.3 To generate the form letter containing only the information in the category(ies) selected, the user will click on the "Create Letter" tab. The "Problem Letter Applications Program" will automatically add the agency name and address, the name of the arresting or accompanying officer (if applicable), and the name of the arrestee or convicted offender to the form letter.
- 7.2.8.4 The letter will be printed on plain paper, then provided to the DNA Data Bank Supervisor for review and signature before the letter is mailed. The "Problem Letter Applications Program" will automatically generate the letterhead portion of the form letter
- 7.2.8.5 A copy of the letter will be stored in the "**DNA Data Bank Problem Letter**" notebook.
- 7.2.9 The DNA Data Bank staff member will verify the information contained in the "Date Of Birth" box to ensure that all buccal samples submitted from juveniles meet the requirement of "fourteen years of age or older at the time of the commission of the offense" as required by the Code of Virginia §16.1-299.1 (Appendix A). If it appears that a sample was submitted from a juvenile who was under fourteen years of age at the time of the commission of the offense, the procedures outlined below will be followed.
  - 7.2.9.1 The problem will be noted on the sample submission form, dated and initialed by the person noting the problem.
  - 7.2.9.2 A phone call will be made to the submitting agency or Clerk of the Court to verify the juvenile offender's age at the time of the commission of the offense. The phone call will be documented on the submission form listing the problem, the date, the name of the person contacted, and the initials of the person making the contact.
  - 7.2.9.3 If the juvenile was under the age of fourteen at the time of the commission of the offense, the sample and associated records will be destroyed. No identifying information will be entered into the DNA Data Bank tracking computer. The comments "JUVENILE SAMPLE UNDER THE AGE OF 14" will be entered into the name field and "SAMPLE DESTROYED" will be entered into the comments field of the tracking computer.

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- 7.2.9.3.1 The destruction of the sample will be witnessed and documented on the Sample and Records Destruction Form, DB-5, found in Appendix E. The documentation will include the initials of the individual who destroyed the sample and the date, as well as the initials of the individual who witnessed the destruction.
- 7.2.9.4 The Counsel for the Division of Forensic Science will be notified of the sample destruction. The Division's Counsel will subsequently send the submitting agency and/or the Clerk of Court a letter notifying them that the sample was not a legal sample and has been removed from the Virginia DNA Data Bank. A copy of this letter will be maintained in the "Juvenile Sample Destruction Book" along with the Sample and Records Destruction Form.
- 7.3 If all of the information on the submission form has not been provided and it is not possible for the DNA Data Bank staff member to go any further with the sample until the information is provided, the buccal DNA collector storage envelope will be placed in a box labeled "Problem Box". Once the missing information has been obtained the processing of the sample will continue.
- 7.4 Once the submission form has been reviewed and all appropriate information has been obtained, the buccal DNA collector storage envelopes will be separated based on the type of sample (Arrestee and Felony Offender).
  - 7.4.1 The buccal DNA collector storage envelopes from each category will be placed in numerical order based upon DNA number. Subsequently, the DNA Data Bank staff member will sign and date the bottom submission form attached to the envelope in the box labeled "For DFS Use Only".
  - 7.4.2 The top page of the sample submission form will be removed and placed in the appropriate stack in numerical order based upon the DNA number. The carbon paper between the top and bottom submissions forms will be shredded.
  - 7.4.3 The DNA Data Bank staff member, using a flip stamp, will then stamp the buccal DNA collector storage envelope with the appropriate storage box number. Refer to paragraph 7.4.7 for the procedure used for numbering the storage boxes.
  - 7.4.4 The buccal DNA collection storage envelope is now opened.
  - 7.4.5 If the sample was submitted from an arrestee the information on the arrest warrant inside the buccal DNA collection storage envelope is reviewed to ensure that the sample was collected based upon a qualifying offense. If the statement, "Take Buccal Sample If LIDS Shows No Sample In Data Bank" is missing from the lower left side of the arrest warrant, the offense code on the arrest warrant will be verified against the list of qualifying offenses to determine if the individual was arrested based upon a qualifying offense. Refer to the diagram below for an example of the appearance of the arrest warrant and the location of the above listed statement.
    - 7.4.5.1 If the arrest warrant does not indicate the sample was collected in accordance with the Code of Virginia §19.2-310.2:1 (Appendix A), the DNA Data Bank staff member will enter the sample information into the DNA Data Bank Tracking Computer and subsequently check in VCIN to determine if the individual has been arrested for

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another qualifying offense. If no information is found in VCIN related to the offense for which the individual has been arrested, the DNA Data Bank staff member will continue to check VICN on a weekly basis until the offense for which the individual has been arrested appears. In the meantime the sample will be placed into the "Problem Box" and the sample will be made unavailable for analysis in the tracking computer.

- 7.4.5.1.1 If it has been determined that there are additional qualifying offenses, the agency will be requested to send a copy of the arrest warrant to the DNA Data Bank.
- 7.4.5.1.2 If there are no qualifying offenses pending against the arrestee, the sample and all associated paper work will be destroyed. The destruction of the sample will be witnessed and documented on the arrestee cleared report provided by the VSP as specified in Section 9 of this manual. The documentation will include the initials of the individual who destroyed the sample and the date, as well as the initials of the individual who witnessed the destruction. In addition, if appropriate, the cleared report will also include the initials of the individual who removed the electronic records from the DNA Data Bank tracking computer, the LIDS website and CODIS and the date the records were removed.
- 7.4.5.1.3 If the sample was submitted from a convicted offender, no arrest warrant should be found in the buccal DNA collection storage envelope. If paperwork containing identifying information about the offender is submitted inside of the buccal DNA collector storage envelope, the paperwork will be removed and shredded.

WARRANT OF ARREST-FELONY VA. CODE 84 19 3-71,-72	CASE NO.	HEARING DATE
Henrico  General District Court  Criminal Traffic  Juvenile and Domestic Relations District Court  TO ANY AUTHORIZED OFFICER:	ACCUSED	
You are hereby commanded in the name of the Commonwealth of Virginia forthwith to arrest and ring the Accused before this Court to answer the charge that the Accused, within this city or county, or or about . 01/02/2003 horr did unlawfully and feloniously in violation of Section	Doe, John Anthony 2134 South Main North Street Richmond, VA 23245	
18.2-31 Code of Virginia: willfully, deliberately, and with premeditation kill and murder Jane Doe in the commission of an abduction as defined in fills.2-48 when such abduction was committed with the intent to extort money or other pecuniary benefit.	COMPLETE DATA BELOW BY KNOWN  RACE ON HE WOT DOTS HARE	
	W M 09 15 70 6 01 190 BR BR	her Marining
		and a let
	Commonwealth of Virginia WARRANT OF ARREST FELONY Class 1	
	EXECUTED by delivering a copy to the Accused named above on this day:	
	DATE AND TIME OF SERVICE  ARRESTING OFFICER	
TAKE BUCCAL SAMPLE IF LIDS SHOWS NO DNA SAMPLE IN DATA BANK	BADGE NO. AGENCY AND JURISDICTION	Total Control
Check if sample previously taken: Check if sample taken for this arrest:	for SHERIPY	
the undersigned, have found probable cause to believe that the Accused committed the offense harged, based on the sworn statements of	Attorney for the Accused:	intermitalites.
Mr. Police Officer , Complainant.		
01/26/2003 02:35 PM Contrason that makes Desire and the makes Desire and the makes Desire and the makes Desire and Test Magistrate  CCRE is Required  Test Magistrate	Charles Charles Charles	War/Sum 087GC-XX10310002
ORM DC-312 994 PC: (\$146-010 402)		

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7.4.6 While wearing gloves, the buccal collector will be removed from the envelope. The protective cap will be removed from the collector and discarded in the biohazard trash then the collector placed back into the envelope. The barcode on the sample is checked to ensure that it matches the barcode on the DNA buccal collection kit. If the barcode on the sample does not match the barcode on the buccal collection kit, the sample will be made unavailable for analysis in the DNA Data Bank Tracking Computer. The submitting agency will be contacted to identify the problem. If the problem cannot be identified a new sample will be requested.

7.4.7 The storage envelopes will be placed in numerical order in a pre-numbered and dated box (i.e., box number followed by a letter designator and the date range). The number will contain the letter "A" for Arrestee, "F" for felony offender. The storage envelopes will be stored in the box, which is tracked through the DNA Data Bank tracking computer, in numerical order based upon the date of receipt. Each box will hold approximately 200 buccal DNA collector storage envelopes.

**NOTE**: The numeric box number will not be repeated (e.g., if a box numbered 2000A exists there will not be a box numbered 2000F).

- 7.4.8 Once the storage box has been filled, the box will be placed into the DNA Data Bank Sample Storage Room for permanent storage.
- 7.5 The top page of the sample submission forms, which were separated from the buccal DNA collector storage envelope, will be loaded onto the optical character recognition scanner to capture the sample information for entry into the DNA Data Bank tracking computer. The information that is scanned into the tracking computer will be verified against the sample submission form to ensure the information has been accurately captured. Refer to the DNAWEB Applications Manual for the procedure on the use of the optical scanner program for data entry.
- 7.6 Once the submission forms have been scanned and the data has been uploaded into the DNA Data Bank Tracking Computer, the DNA Data Bank staff member will manually enter the sample storage box number into the "Box Base Tool" field. Using the hand held barcode scanner the DNA Data Bank staff member will scan the DNA barcode number on each sample submission form in order to insert into the DNA Data Bank Tracking Computer the storage box number for each buccal DNA collector storage envelope.
- 7.7 The top submission forms will be stored in numerical order based upon the date of receipt in numbered envelopes, which correspond with the number on the sample storage box. These envelopes will be stored in a secure file cabinet in the Data Bank office area.

**♦END**